

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ROBERT FLETCHER and BARTLOW  
GALLERY LTD.,

*Plaintiffs,*

- against -

PETER DOIG, GORDON VENEKLASEN,  
MATTHEW S. DONTZIN and THE DONTZIN  
LAW FIRM LLP,

*Defendants.*

Case No. 1:13-cv-03270

**Hon. Gary S. Feinerman, U.S.D.J.**

**DEFENDANTS' MOTION FOR A STATUS CONFERENCE REGARDING  
THEIR PENDING SANCTIONS MOTION AND BILL OF COSTS  
AND FOR AN ORDER DIRECTING PLAINTIFF ROBERT FLETCHER  
TO UPDATE HIS MAILING ADDRESS WITH THE COURT**

Defendants Peter Doig, Gordon Veneklasen, Matthew S. Dontzin, and the Dontzin Law Firm LLP (collectively, "Defendants") respectfully submit this Motion (i) for a status conference regarding their October 21, 2016 Sanctions Motion (the "Pending Sanctions Motion") and September 22, 2016 Bill of Costs (the "Bill of Costs") (Dkt. No. 297), and (ii) for an Order directing *pro se* Plaintiff Robert Fletcher to update his mailing address with the Court. In support of this Motion, Defendants state as follows:

**Procedural Background**

1. After an eight-day bench trial in August 2016, the Court denied all of Plaintiffs' claims. (Dkt. No. 260.)
2. Shortly thereafter, on September 22, 2016, Defendants, as the prevailing parties, filed their Bill of Costs for the recovery of \$66,624.04 in litigation expenses. (Dkt. No. 262.) Pursuant to the schedule set by the Court, the Bill of Costs was fully briefed as of November 3, 2016. (Dkt. No. 280.) To date, no Bill of Costs has been entered.

3. On October 21, 2016, Defendants filed their Pending Sanctions Motion against Plaintiffs Fletcher and Bartlow Gallery Ltd. and their trial counsel, William Zieske, to seek redress for Plaintiffs' bad-faith and vexatious conduct in pursuing their frivolous claims through trial. (Dkt. No. 273.) Pursuant to the schedule set by the Court (Dkt. Nos. 279, 292), the Pending Sanctions Motion was fully briefed as of February 15, 2017. (Dkt. No. 297.)

4. The Court has not yet ruled on the Pending Sanctions Motion. On August 13, 2018, the Court's Judicial Support Manager advised the parties that: "I contacted Judge Feinerman . . . and he commented that he plans to rule on the [Pending Sanctions] Motion in question by mid-September." Subsequently, on November 20, 2018, the Court's Chambers advised the parties (including Plaintiff Fletcher) via e-mail that "[t]he Judge will rule" on the Pending Sanctions Motion "by the end of [2018]."

5. On April 4, 2019, seizing the fact that the Pending Sanctions Motion remained undecided, Plaintiff Fletcher filed a sur-reply thereto—a submission he made without leave of Court or any rule applicable to litigants in this District. (Dkt. No. 344.) On April 8, 2019, Defendants moved to strike that submission. (Dkt. No. 347.) On April 9, 2019, the Court denied Defendants' motion to strike (the "Motion to Strike Decision"), stating: "The surreply will not hinder the court's resolution of the sanctions motion. The court is aware that the sanctions motion remains pending and appreciates the parties' patience in awaiting a ruling." (Dkt. No. 348.) To date, the Court has continued to reset status hearings in the case.

**Plaintiff Fletcher's Failure to Maintain a Current Mailing Address with the Court**

6. Like the Court's other docket entries in this case (*e.g.*, minute entries resetting status hearings), the Motion to Strike Decision was issued via the CM/ECF electronic filing system. (*Id.*) As Plaintiff Fletcher is not a registered CM/ECF user, the Court's practice has been

to mail a copy of each such docket entry to the following address provided by Plaintiff Fletcher: 130 Allard Street, Apartment 307, Sault Ste. Marie, Ontario, Canada P6B 5E8. Since February 2018, however, at least eight such mailings to Plaintiff Fletcher have been “returned as undeliverable.” (Dkt. Nos. 325, 327, 332, 334, 340, 349, 351, 352.)

7. As evidenced by the return of these numerous mailings, Plaintiff Fletcher has failed to keep the Court informed of his current mailing address. His failure to do so is particularly egregious given the amount of time and resources that he has demanded of the Court in filing—and then refusing to withdraw—this baseless lawsuit, including through its eight-day trial. Notably, even as these Court mailings have been sent back, Plaintiff Fletcher has *continued* to avail himself of the Court’s resources (*e.g.*, by filing his sur-reply to the Pending Sanctions Motion).

#### **Ongoing Prejudice to Defendants**

8. Defendants have suffered, and continue to suffer, significant prejudice as a result of the still-undecided Pending Sanctions Motion and still-untaxed Bill of Costs.

9. The Court repeatedly has indicated, including through the above-cited 2018 and 2019 communications, that a ruling on the Pending Sanctions Motion would be issued in short order. Defendants appreciate and understand that the Court has many demands on its time. However, the Pending Sanctions Motion and Bill of Costs remain important to Defendants these many years later—particularly to Defendant Peter Doig, on whom the litigation and ensuing trial imposed extreme burdens and stress.

10. In addition to the relief sought in the Pending Sanctions Motion, Defendants also have not yet been reimbursed for the \$66,624.04 in litigation expenses detailed in the Bill of Costs. These are expenses that Defendants indisputably incurred (now 3+ years ago). Any further delays

in their taxation are likely only to empower Plaintiffs to secrete recoverable assets or otherwise evade a judgment.

11. Plaintiff Fletcher's apparent change-of-address in the intervening years underscores this concern. If Plaintiff Fletcher does not provide an updated mailing address, it is likely that the Court's forthcoming orders/entries on the Pending Sanctions Motion and Bill of Costs will be "returned as undeliverable." Plaintiff Fletcher's failure to comply with his obligation to remain apprised of the Court's docket entries should not be countenanced—especially where rulings on motions to sanction and recover costs from him for forcing a full-blown trial on meritless claims remain forthcoming.

#### **REQUEST FOR RELIEF**

In light of the foregoing, Defendants respectfully request:

- a. That this Motion for a Status Conference Regarding Their Pending Sanctions Motion and Bill of Costs and for an Order Directing Plaintiff Robert Fletcher to Update His Mailing Address with the Court be granted (and that such status conference be held on March 11, 2020 or as soon thereafter as Defendants may be heard);<sup>1</sup>
- b. That the Pending Sanctions Motion be granted; and
- c. That the Bill of Costs be entered, with interest from November 3, 2016 (*i.e.*, the date it was fully briefed).

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<sup>1</sup> To reasonably ensure delivery to Plaintiff Fletcher, Defendants request that the Court's Order be sent to Plaintiff Fletcher via the following means: (i) U.S.P.S. to his last-known mailing address (130 Allard Street, Apartment 307, Sault Ste. Marie, Ontario, Canada P6B 5E8), and (ii) e-mail to his last-known e-mail address (bobbyfletcher@shaw.ca), which Chambers previously has used to communicate with him.

Dated: February 28, 2020

**DONTZIN NAGY & FLEISSIG LLP**

By: /s/ Matthew S. Dontzin  
Matthew S. Dontzin (admitted pro hac vice)  
Tibor L. Nagy, Jr. (admitted pro hac vice)  
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New York, New York 10075

**MASSEY & GAIL LLP**

Suyash Agrawal  
50 East Washington Street  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I, Matthew S. Dontzin, hereby certify that, on February 28, 2020, I caused the foregoing document to be electronically filed with this Court, where this document is available for viewing and downloading from the Court's CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users and that on February 28, 2020, I caused a copy of the foregoing document to be sent to the following non-CM/ECF users at their last-known mailing and e-mail addresses:

Bartlow Gallery Ltd.  
444 W. Roslyn Place  
Chicago, Illinois 60614  
bartlowpeter@yahoo.com

Bartlow Gallery Ltd.  
2506 N. Clark Street  
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Robert Fletcher  
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bobbyfletcher@shaw.ca

/s/ Matthew S. Dontzin  
Matthew S. Dontzin